
HOUSE BILL No. 1076

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2.

Synopsis: Child care home licensing. Exempts from licensure a child care home that provides care to more than six children (not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) if the provider meets certain conditions. Requires the provider, as a condition of the exemption, to obtain from each parent seeking care for a child within the child care home a written, notarized statement that acknowledges the number of children for whom the child care home provides care and indicates that the parent agrees to place the child in the provider's care under the circumstances. Also requires an exempt child care home to maintain records of the notarized statements and to comply with certain health, sanitation, fire, and safety rules approved by the division of family and children.

Effective: July 1, 2001.

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January 8, 2001, read first time and referred to Committee on Human Affairs.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1076

A BILL FOR AN ACT to amend the Indiana Code concerning child care.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-2-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. The division shall
3 exempt from licensure the following programs:

4 (1) A program for children enrolled in grades kindergarten
5 through 12 that is operated by the department of education or a
6 public or private school.

7 (2) A program for children who become at least three (3) years of
8 age as of December 1 of a particular school year (as defined in
9 IC 20-10.1-2-1) that is operated by the department of education
10 or a public or private school.

11 (3) A nonresidential program for a child that provides child care
12 for less than four (4) hours a day.

13 (4) A recreation program for children that operates for not more
14 than ninety (90) days in a calendar year.

15 (5) A program whose primary purpose is to provide social,
16 recreational, or religious activities for school age children, such
17 as scouting, boys club, girls club, sports, or the arts.

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- (6) A program operated to serve migrant children that:
- (A) provides services for children from migrant worker families; and
 - (B) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.
- (7) A child care ministry registered under IC 12-17.2-6.
- (8) A child care home ~~if the provider~~ **that meets any of the following conditions:**
- (A) **The provider** does not receive regular compensation.
 - (B) **The provider** cares only for children who are related to the provider.
 - (C) **The provider** cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative. ~~or~~
 - (D) **The provider:**
 - (i) **cares for six (6) or more children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative;**
 - (ii) **informs each parent, guardian, or custodian who seeks to place a child in the provider's care that the child care home is not licensed and discloses to the parent, guardian, or custodian the number of children who are being cared for within the child care home;**
 - (iii) **obtains from the parent, guardian, or custodian a written, notarized statement that acknowledges the number of children for whom the child care home provides care and indicates that the parent, guardian, or custodian agrees to place the child in the provider's care under the circumstances described in item (ii);**
 - (iv) **maintains records of the statements obtained under item (iii);**
 - (v) **operates in compliance with health, safety, and sanitation standards for child care homes adopted by the division under section 4 of this chapter or in accordance with a variance or waiver of a rule governing child care homes that was granted by the division under section 10 of this chapter; and**
 - (vi) **operates in compliance with fire and safety rules for child care homes adopted by the division under section 4 of this chapter or in accordance with a variance or waiver of a rule governing child care homes that was granted by the division under section 10 of this chapter.**

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- 1 **(E) The provider** operates to serve migrant children.
- 2 (9) A child care program operated by a public or private
- 3 secondary school that:
- 4 (A) provides day care on the school premises for children of a
- 5 student or an employee of the school;
- 6 (B) complies with health, safety, and sanitation standards as
- 7 determined by the division under ~~IC 12-17.2-2-4~~ **section 4 of**
- 8 **this chapter** for child care centers or in accordance with a
- 9 variance or waiver of a rule governing child care centers
- 10 approved by the division under ~~IC 12-17.2-2-10~~; **section 10 of**
- 11 **this chapter**; and
- 12 (C) substantially complies with the fire and life safety rules as
- 13 determined by the state fire marshal under rules adopted by the
- 14 division under ~~IC 12-17.2-2-4~~ **section 4 of this chapter** for
- 15 child care centers or in accordance with a variance or waiver
- 16 of a rule governing child care centers approved by the division
- 17 under ~~IC 12-17.2-2-10~~; **section 10 of this chapter.**
- 18 SECTION 2. IC 12-17.2-5-1 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) **Except as**
- 20 **provided in IC 12-17.2-2-8**, a person may not operate a child care
- 21 home without a license issued under this article.
- 22 (b) The state or a political subdivision of the state may not operate
- 23 a child care home without a license issued under this article.
- 24 (c) A person may not operate a child care home if:
- 25 (1) the number of children maintained on the premises at any one
- 26 (1) time is greater than the number authorized by the license; and
- 27 (2) the children are maintained in a building or place not
- 28 designated by the license.

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